

§ 319.76-4

7 CFR Ch. III (1-1-02 Edition)

Support, 4700 River Road Unit 133, Riv-  
erdale, Maryland 20737-1236, and should  
be submitted at least 30 days prior to  
arrival of the article at the U.S. port of  
entry. The completed application does  
not have to be on any particular form  
but must indicate that it is an applica-  
tion for a written permit, and include  
the following information:

- (1) Name, address, and telephone  
number of the importer;
- (2) Approximate quantity and kinds  
of articles intended to be imported;
- (3) Country or locality of origin;
- (4) Intended United States port of  
entry;
- (5) Means of transportation; and
- (6) Expected date of arrival.

(c) A permit indicating the applicable  
conditions for importation under this  
subpart will be issued by Plant Protec-  
tion and Quarantine Programs if, after  
review of the application, the articles  
are deemed eligible to be imported into  
the United States under the conditions  
specified in the permit. However, even  
if such a permit is issued, the regulated  
article may be imported only if all ap-  
plicable requirements of this subpart  
are met and only if an inspector at the  
port of entry determines that no reme-  
dial measures pursuant to section 414  
of the Plant Protection Act (7 U.S.C.  
7714) are necessary with respect to the  
regulated article.<sup>2</sup>

(d) Any permit which has been issued  
may be withdrawn by an inspector or  
the Deputy Administrator if he or she  
determines that the permit holder has  
not complied with any condition for  
the use of the permit. The reasons for  
the withdrawal shall be confirmed in  
writing as promptly as circumstances  
allow. Any person whose permit has  
been withdrawn may appeal the deci-  
sion in writing to the Deputy Adminis-  
trator within 20 days after receiving  
the written notification of the with-  
drawal. The appeal must state all of  
the facts and reasons upon which the  
person relies to show that the permit  
was wrongfully withdrawn. The Deputy  
Administrator shall grant or deny the

<sup>2</sup>An inspector may hold, seize, quarantine,  
treat, apply other remedial measures to,  
destroy, or otherwise dispose of plants, plant  
pests, or other articles in accordance with  
sections 414, 421, and 434 of the Plant Protec-  
tion Act (7 U.S.C. 7714, 7731, and 7754).

appeal in writing, stating the reasons  
for the decision, as promptly as cir-  
cumstances allow. If there is a conflict  
as to any material fact, a hearing shall  
be held to resolve the conflict.

(Approved by the Office of Management and  
Budget under control number 0579-0072)

[50 FR 24172, June 10, 1985, as amended at 59  
FR 67610, Dec. 30, 1994; 66 FR 21057, Apr. 27,  
2001]

§ 319.76-4 Inspections and treatments.

(a) Live bees, other than honeybees  
of the genus *Apis*, in any life stage  
shall be microscopically inspected by  
an inspector for exotic bee diseases and  
parasites, and any bee disease or para-  
site found will be physically removed  
by an inspector or destroyed by an in-  
spector by treatment with a pesticide  
registered by the Environmental Pro-  
tection Agency under the Federal In-  
secticide, Fungicide, and Rodenticide  
Act, as amended (7 U.S.C. 135 *et seq.*),  
for use on bees and used in accordance  
with directions on the label in connec-  
tion with the registration under the  
provisions of the Federal Insecticide,  
Fungicide, and Rodenticide Act, as  
amended. The inspection may include  
dissection of a statistically designed  
representative sample of the bees, if  
deemed necessary by the inspector for  
determinations concerning the absence  
or presence of bee diseases or parasites.  
If the inspector determines that a dis-  
ease or parasite cannot be removed or  
otherwise destroyed, the bees shall be  
killed by immersion in a solution con-  
taining at least 70% alcohol.

(b) Any dead bees for research at the  
time of importation must be in a solu-  
tion containing at least 70% alcohol, or  
must be in a dry, sealed container. If in  
a dry, sealed container, the dead bees  
shall be kept in the container under  
the control of an inspector at the port  
of entry for 7 days.

(c) Any restricted article not covered  
by paragraph (a) or (b) of this section,  
prior to movement into the United  
States from the port of entry, shall be  
treated under the supervision of an in-  
spector as follows:

- (1) Dead bees; used bee boards, hives,  
nests, or nesting material; used bee-  
keeping equipment; and pollen for bee  
feed shall be treated in an airtight  
chamber with 450 mg of ethylene oxide

per liter of chamber space at a temperature of at least 100 °F (37.78 °C) for 8 hours.

(2) Beeswax that has not been liquefied shall be melted.

(3) Honey for bee feed shall be heated to 212 °F (100 °C) for 30 minutes.

**§ 319.76-5 Marking and shipping.**

(a) Any restricted article for importation by means other than mail shall at the time of importation bear on the outer container (if in a container) or on the article (if not in a container) the following information:

(1) General nature and quantity of the contents,

(2) Country or locality of origin,

(3) Name and address of shipper, owner, or person shipping or forwarding the article,

(4) Name and address of consignee, and

(5) Identifying shipper's mark and number.

(b) Any restriction article for importation by mail must be addressed and mailed to Plant Protection and Quarantine at a port of entry designated by an asterisk in § 319.37-14(b) of this part; must be accompanied by a separate sheet of paper within the package bearing the name, address, and telephone number of the intended recipient; and must bear on the outer container the following information:

(1) General nature and quantity of the contents,

(2) Country or locality of origin, and

(3) Name and address of shipper, owner, or person shipping or forwarding the article.

(c) Any restricted article must be accompanied at the time of importation by an invoice or packing list indicating the contents of the shipment.

(d) Live bees in any life stage, other than honeybees of the genus *Apis*, may be imported only in loose cells within noncrushable (hard plastic, wood, or metal), insect-proof containers.

(Approved by the Office of Management and Budget under control number 0579-0072)

**§ 319.76-6 Arrival notification.**

Promptly upon arrival of any restricted article at a port of entry, except for mail shipments, the importer

must notify Plant Protection and Quarantine of the arrival by such means as a manifest, customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

(Approved by the Office of Management and Budget under control number 0579-0049)

**§ 319.76-7 Costs and charges.**

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.<sup>3</sup> The importer shall be responsible for arrangements for treatments required under § 319.76-4. Any treatment required under § 319.76-4 for a restricted article, other than for treatments of live bees in any life stage or for holding dead bees in dry, sealed containers, shall be performed at the port of entry by a nonfederal establishment at the importer's expense, and shall be performed under the direction of an inspector. Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

**§ 319.76-8 Ports of entry.**

(a) Any restricted article, other than bees in any life stage, imported by means other than mail may be imported only at a port of entry listed in § 319.37-14(b) of this part.

(b) Any restricted article, other than bees in any life stage, imported by mail may be imported only at a port of entry designated by an asterisk in § 319.37-14(b) of this part.

(c) Live bees in any life stage, other than honeybees of the genus *Apis*, may be imported at the Bee Biology and Systematics Laboratory, USDA, ARS, 261 NRB-UMC 53, Utah State University, Logan, Utah 84322; or at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705.

<sup>3</sup>Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.